

Remarks

This application has been carefully reviewed in light of the Office Action dated November 21, 2007. Claims 1 to 20 remain in the application, with Claim 20 having been withdrawn from consideration. Claims 1 and 11 are the independent claims currently under consideration and have both been amended. Support for these amendments can be located throughout the application as originally filed, including, for example, in Figure 1 and in paragraphs [0030], [0035] and [0036]. Reconsideration and further examination are respectfully requested.

Claims 1, 5 to 11 and 15 to 19 have been rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,747,348, (Jaduszliwer). Reconsideration and withdrawal are respectfully requested.

Independent Claim 1 generally concerns a fuel monitoring system for use in a transportation system. The fuel monitoring system includes a fuel leak detector. The fuel leak detector includes a colorimetric chemical monitor configured to change color in response to presence of a fuel, the colorimetric chemical monitor corresponding to a fixed surface of a substrate, and an optical reader configured to monitor a color of the chemical monitor. The fuel monitoring system further includes an alarm system in electronic communication with the fuel leak detector and configured to provide an alarm when a color of the chemical monitor changes by a predetermined amount.

Independent Claim 11 generally concerns a method for detecting leakage of a hypergolic fuel system. The method includes providing a colorimetric chemical monitor, the colorimetric chemical monitor corresponding to a fixed surface of a substrate. The method further includes providing an optical reader, and monitoring an intensity of reflected light from the colorimetric

chemical monitor with the optical reader. In addition, the method includes determining a fuel leak when the intensity of reflected below a predetermined threshold.

Thus, among its many features, independent Claims 1 and 11 provide for a colorimetric chemical monitor which corresponds to a fixed surface of a substrate. The applied reference of Jaduszliwer is not seen to disclose or suggest at least this feature.

As understood by Applicants, Jaduszliwer discloses that regulatory compliance typically requires the detection of hydrazine fuel vapors with enough sensitivity to trigger alarms before certain exposure levels are reached. See Jaduszliwer, column 1, line 46 to 48. In addition, colorimetric hydrazine-fuel monitors may use paper tape impregnated with phosphomolybdic acid (PMA). The tape moves at a constant rate past an air intake. When exposed to a hydrazine-fuel vapor, the tape changes color. The change in color is detected by comparing light reflected by the tape prior to and after exposure to the air intake. See Jaduszliwer, column 1, line 59 to column 2, line 2.

As such, Jaduszliwer is seen to disclose that a colorimetric monitor uses a tape which moves at a constant rate past an air intake. Since the tape of Jaduszliwer moves at a constant rate, it is not seen to correspond with a fixed surface of a substrate. Accordingly, Jaduszliwer is not seen to disclose or suggest a colorimetric chemical monitor which corresponds to a fixed surface of a substrate.

Independent Claims 1 and 11 are therefore believed to be allowable over Jaduszliwer.

The other claims currently under consideration in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an

Application 10/712,588

additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendment and remarks, all of the claims under consideration are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Applicants' undersigned attorney may be reached in our Orange County office by telephone at (949) 851-0633. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



John D. Magluyan

Registration No. 56,867

18191 Von Karman Ave., Suite 500
Irvine, CA 92612-7108
Phone: 949.851.0633 JDM:gmb
Facsimile: 949.851.9348
Date: February 20, 2008
ORC 431346-1.070601.0026

**Please recognize our Customer No. 31824
as our correspondence address.**